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Subject: Farm Bill 2007 Official Comments - 12/30/2005 11:27 AM CST
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Question1:

Question2:

Question3:

Question4: On behalf of the Trust for Public Land, I am writing to offer comments to be incorporated into your deliberations as the U.S. Dept of Agriculture (USDA) develops its recommendations for the 2007 Farm Bill.

The mission of the Trust for Public Land (TPL) is to conserve land for people to enjoy as parks, community gardens, historic and cultural sites, rural lands, and other natural places, ensuring livable communities for generations to come. In pursuing this mission, we work collaboratively with local communities, tribal governments and diverse partnerships to protect the special places that define them. Through our Working Lands program, we have forged a strong partnership with the USDA Natural Resources Conservation Service and the US Forest Service and look forward to continued opportunities in the future. TPL's Tribal Lands Program seeks to assist tribes and Native communities with regaining and protecting their traditional lands, many of which containing significant forests, agricultural lands, grasslands and wetlands. To this end, TPL will hope to use the next iteration of Farm Bill conservation programs to improve tribal access to NRCS grants and other funding.

In the context of these initiatives, we submit the following comments for the record on the next Farm Bill reauthorization. We have chosen to address community and tribal conservation needs in the context of Question #4.

Question 4: How can farm policy best achieve conservation and environmental goals?

It is critical that the national continue its modest but successful investment in agricultural conservation programs, for the benefit of the public in the form of cleaner water, additional wildlife habitat protection, preservation of community open spaces, and other benefits.

There are several programs that deserve a strengthened investment by USDA in the next Farm Bill:

CONSERVATION TITLE

TPL strongly supports the reauthorization of the Farm and Ranch Land Protection Program, the Wetlands Reserve Program and the Grassland Reserve Program at significantly increased funding and acreage enrollment levels. While different from one another, together these programs ensure that critical natural resources such as wetlands and native grasslands are restored and protected while protecting farms and

ranches from development. Continued economic viability of farms and ranches is extremely important to communities across the nation, as is clean water and open space protection.

Over the last four years, TPL has successfully completed over 25 FRPP projects across the nation. As the program nears its final year as authorized in the 2002 Farm Bill, we want to highlight the incredible impact this program has had in specific communities across the nation, to point out the need for a significant increase in authorized funding levels over the life of the next Farm Bill, and to commend your agency for its continued strong support of this important program.

Nationally, the infusion of relatively consistent levels of federal farm and ranch land protection funds has leveraged more than two and a half times that amount in state, local, and private funding. Through this process, a uniquely American way of life has been protected and important agricultural lands have been conserved. Thank you for this important and consistent support, which we hope will be carried over into the next Farm Bill.

As you know, each year nearly two million acres of American farmland are lost to development. The loss of productive farmland in this way has an impact on local communities that is permanent and deep. By paving over farms, we are ensuring additional runoff, loss of wildlife habitat, higher infrastructure costs and other permanent changes. The NRCS Farm and Ranch Land Protection Program is the only federal program dedicated to preventing this from happening and must be reauthorized at significantly higher levels. Since the creation of the original program in the 1996 Farm Bill, the NRCS has helped protect 127,000 acres from conversion with voluntary conservation easements ? keeping farmers on the land and contributing to their local farm economies. However, with the overwhelming public demand for additional farmland protection, and states committing more than \$160 million a year in easement funding, the federal contribution is woefully inadequate. TPL joins with many other organizations in urging you to propose a significant increase for FRPP when you make your Farm Bill recommendations. In addition, we look forward to working with the NRCS during the next year to modify specific areas, such as allowing land trusts to enter the chain of title and resolving issues regarding contingent right language in FRPP easements, to ensure the smoothest possible implementation of the program for the benefit of landowners and communities. Finally, TPL is looking at ways to make the program work for underserved communities and certain tribes that simply cannot raise the required match, and we look forward to working with you on this concept.

It may help to provide you with a few specific examples of the importance of FRPP funds to local communities. Working with the NRCS through the FRPP, states, counties and towns have joined the Trust for Public Land in protecting critical farms and ranches in the following places:

Sabbathday Lake Shaker Village, New Gloucester, Maine

At the headwaters of the Royal River in New Gloucester, the nation's last active Shaker community lives as a testament to a religious and farming community that once numbered approximately 400 members in Maine and 5,000 in the United States. Today, the Sabbathday Lake Shaker Village, Forest and Farm, comprised of 1700 acres of farm, forest and wetlands and 19 historic structures, is the last place in the nation where Shakers farm, work and worship. Faced with rising costs and reduced farm revenues, coupled with the pressure of suburban sprawl, the Shakers are concerned about the future of their land and have joined

with a partnership of non-profit groups and public agencies to craft a conservation strategy to preserve the Shaker landscape in perpetuity. Through this plan, the Shakers would continue to own and manage their property as they have for over two hundred years. They would continue to farm their land, pasture their animals and lease orchards and fields to neighboring farmers and apple growers. The protection of historic buildings and culturally important landscape features - stone walls and archeological sites - would be guaranteed.

Drew's Valley Ranch, Oregon

Between 1987-1997, Oregon lost more than 350,000 acres of farms and ranches to development. After three years of collaboration with the National Fish and Wildlife Foundation, TPL protected the 11,400-acre Drew's Valley Ranch in southern Oregon with a conservation easement this past summer. The working ranch is surrounded by the Fremont National Forest and includes a lake and more than nine miles of creeks and streams. This visionary project also helped launch a new non-profit organization, the Oregon Rangeland Trust, to help preserve Oregon's traditional ranchlands.

Gallatin County, Montana

In Gallatin County, listed by the American Farmland Trust as having more ranchland at risk of development than any other county in the Rocky Mountain West, TPL, in partnership with the Gallatin Valley Land Trust and the Montana Land Reliance, has protected over 21,000 acres of working farms and ranches. In 2000 and again in 2004, voters enthusiastically passed a \$10 million open space bond to help protect critical wildlife habitat and agricultural lands throughout the county. These funds will soon be responsible for helping to conserve more than 40 square miles of important farmland and wildlife habitat throughout the Gallatin Valley. Earlier this year, the National Association of Counties (NACo) joined TPL in awarding Gallatin County with a County Leadership in Conservation award in recognition of its leadership in forming the Gallatin County Open Space Commission and securing millions in local bonds to support farm and ranch land protection.

San Luis Valley, Colorado

TPL recently secured a conservation easement on the 1,240-acre Dunn Ranch in Saguache County, Colorado, ensuring that farmland of statewide importance is protected and that the ranch's senior water rights will remain in the San Luis Valley. Located in southern Colorado, the Dunn Ranch is an important and productive agricultural unit whose conservation as a privately owned farming and ranching operation will help sustain Saguache County's agricultural lifestyle and contribute significantly to the economy of one of Colorado's and the nation's most productive agricultural counties. The ranch's senior surface water rights further distinguish it as a property that can uniquely contribute to maintenance of the unparalleled system of wetlands, playas, and shallow lakes of the northern San Luis Valley's Closed Basin. Landowners Roger and Marilyn Perry have long practiced careful stewardship of the land, and were motivated to preserve the Dunn Ranch by their love of the land and wish to see it remain in agriculture.

As you are no doubt already aware, there are many, many more examples of critical farms and ranches saved from permanent loss throughout the nation. The concept of federal support to states, local communities, and non-profit organizations for the protection of our America's threatened productive agricultural lands remains sound and has proven to be a critically important tool for states and localities. This important commitment to farming and ranching communities needs to be strongly reiterated in the next Farm Bill by reauthorizing the FRPP at significantly higher than current levels.

FORESTRY TITLE

The next Farm Bill provides an extremely timely opportunity for us to

address a serious trend affecting our nation's private forests -- most notably a dramatic increase in forest parcelization that is projected to escalate, according to the USDA Forest Service in its recent Forests on the Edge report. Forest parcelization compromises a wide range of public interests including public water supplies, opportunities for forestry and sugaring, wildlife habitat, hunting and fishing access, and other recreational resources.

One of the only federal programs that exists to address this trend, the Forest Legacy Program (FLP), was authorized in the 1990 Farm Bill and has proven to be extremely successful in preventing over 1.2 million forested acres from being converted to non-forest uses. In addition to ensuring a commitment to the FLP through adequate and consistent funding, there are other forest conservation proposals that merit your attention and study as you develop your Farm Bill recommendations.

- State forestry stewardship programs: The Farm Bill should continue to provide strong support for private forest landowners through our state forestry agencies' delivery of the Forest Stewardship Program, Urban and Community Forestry Program, cooperative extension forestry programs, and others. The technical assistance and access to funding provided by these dedicated professionals is an essential support for private landowners and municipalities to meet their conservation and stewardship goals.
- Funding for cost-share and incentive programs: The Farm Bill should continue to help private landowners and municipalities manage their lands to high standards through the Environmental Quality Incentives Program, Wildlife Habitat Incentives Program, Forest Land Enhancement Program, cooperative extension forestry programs, and other existing programs with forestry components. This will help landowners to hold large parcels and steward them well. There are also important modifications that should be explored for existing Farm Bill cost-share programs to increase their effectiveness. These possible modifications include increased focus and accountability, and expansion of eligibility to include community-owned forests.
- Funding for forest conservation: The Farm Bill should support forest conservation projects that slow fragmentation and parcelization and keep forests intact for natural values, forestry, and recreation. As mentioned above, this includes continued strong funding for the Forest Legacy Program, as well as new efforts to create and conserve community forests. There is extremely high interest in community forest protection in Northern New England, the Northern Rockies, the Pacific Northwest and other locales where communities face the loss of their productive forests.

TRIBAL ACCESS TO USDA PROGRAMS

TPL was pleased to participate in the Inter Tribal Farm Bill Roundtable in Las Vegas on December 9. As noted earlier, we are most interested in ensuring tribal access to relevant federal funding sources to support conservation on tribal lands and to assist tribes in reacquiring and protecting ancestral lands. To this end, USDA conservation programs offer important funding opportunities for tribes to protect forests, grasslands, wetlands and agricultural lands on tribal land and on former tribal land currently in federal, state or private ownership.

TPL supports the suggestions made at the Roundtable for more equitable treatment of tribes by the USDA and greater access to existing program

funding to support tribal needs. We look forward to working with USDA and NRCS to ensure that the challenges provided by individual program rules or implementation are rectified in order to ensure the fullest participation by as many tribes and Native American individuals as possible. TPL also strongly supports the recommendations made at the Roundtable that funding and staff be allocated to increase and make more effective outreach to tribes about all USDA programs.

TPL also recommends maintaining, and increasing where possible, the national Indian set asides within USDA programs for tribes to access. In addition, all State Technical Committees for states with significant Native American populations or land ownership should include a tribal representative. Government-to-government consultation with tribal governments must be required for all USDA programs.

Because no tribes have received funding under the FRPP, we are concerned that this may be due to lack of consultation with tribes in the development of state FRPP plans. USDA should require tribal consultation to ensure that tribal needs and goals are included in the plans. In addition, we suggest that the NRCS administrative and technical requirements be reviewed and those that are potentially prohibitive to tribal participation be revised or eliminated.

With regard to the GRP, we are pleased that tribal lands have been enrolled under the program. However, because tribes are unable to hold conservation easements under the act, this may preclude opportunities for additional tribal use of GRP funds. We therefore recommend that tribal governments be specifically authorized to hold conservation easements.

The WRP could be of much greater benefit to Indian Country. One potential hurdle to tribes accessing this program might be that a tribe must submit an application through their state conservationist. It is then up to the state to decide whether to send it to the national office for funding. The Farm Bill reauthorization should provide a mechanism for tribes to submit applications directly to the national office for consideration. If this is not possible, at the very least we strongly recommend requiring tribal consultation in the development of state conservationists' ranking criteria to ensure tribal needs and goals are included.

We also support the reauthorization of the Loans to Indian Tribes and Tribal Corporations, administered by the Farm Service Agency. This program provides loans